



**Petition to Withdraw Holding of Abandonment**

May 18, 2004

Faxed to 703-305-3762 & 703-305-3579

**Application/Control Number: 09/856,228, filed May 16, 2001**

**Tech. Center 3700 Examiners: Mr. Banks, Ms. Williams**

**Applicant: LINDEN, CRAIG L.**

**Attention: E. Rollins-Cross, Director, Patent Examining Groups 3710**

**and 3720 and Mr. Steve Marcus, Special Program Examiner**

I received a Notice of Abandonment with a mailing date of March 31, 2004, regarding a failure to timely file a proper reply to the Office letter mailed August 13, 2003. This letter is my Petition to Withdraw Holding of Abandonment and request for a copy of the mentioned Office letter mailed on August 13, 2003.

I hereby swear under penalty of perjury that: 1. I did not receive the Office letter mailed August 13, 2003, and I cannot produce a record, which would evidence my non-receipt of the Office letter; 2. My method for handling Patent Office mail is, I collect the mail each day from the mail box on our street, I immediately open and read any and all Patent Office mail and then place related Letter/Notices in a specific file labeled RealTimeTouch US Patent Office correspondence; 3. I have inspected the above mentioned file for the missing Office letter, I have also inspected all my files used to sort and store all other important mail and I additionally searched all possible areas of my home office and home; 4. It remains my sincere belief that the Office letter was lost in the mail. So sworn: Craig L. Linden Date May 18, 2004

Craig L. Linden

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MAY 27 2004  
TECHNOLOGY CENTER R3700

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## FACSIMILE TRANSMISSION COVER SHEET

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NUMBER OF PAGES INCLUDING THIS COVER SHEET: *X 4 (incl. Notice)*

DATE: May 18, 2004

FAXED TO: 703-305-3579  
703-305-3762

TO: E. Rollins-Cross, Patent Examining Groups 3710/3720  
and Mr. Steve Marcos, Special Program Examiner  
Special Program Law Office 3700

COMPANY: USPTO

FROM: CRAIG L. LINDEN

MAILED: (Yes)

RE: Petition (attached) to Withdraw Holding of Abandonment

Thank you.

*Please fax a copy of the Office Letter*  
*March 31, 2003*  
*Thank you*

*619-3906344*  
Fax: (619) ~~445-0505~~ Ph: (619) 445-0352

Craig L. Linden  
1335 Midway Drive  
Alpine, California 91901

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**Notice of Abandonment**



Application No.

09/856,228

Examiner

Derris Banks

Applicant(s)

LINDEN, CRAIG L.

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 13 August 2003.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

**RECEIVED**

MAY 27 2004

TECHNOLOGY CENTER R3700

DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.